

years. Compare that to the life expectancy during the days of the Roman Empire, when the average Roman citizen could expect to live approximately 22 years (June 13, 1994, Gannett News Service). Twenty-two years—an amazing fact, especially when we consider that today, one must attain the age of 25 before serving in the United States House of Representatives and the ripe old age of 30 before contemplating service in the United States Senate.

I mention this not as a point of interest, however, but to underscore the fact that the august members of the Roman Senate—many of whom were in their thirties or forties—were, indeed, the “senior citizens” of their time.

Recently, ABC News aired a story in which they questioned the accuracy of two passages in my book, *The Senate of the Roman Republic*. The reporter of this news segment chose to take issue with my assertion that “the Roman Senate, as originally created was meant to be made up of a body of old men.” What ABC News failed to mention, however, was the average life expectancy for that period of time—a mere twenty-two years. If the ABC reporter had just looked up the word senate in *Webster's New International Dictionary, Second Edition*, he would have seen that the very definition of senate is “literally, an assembly of old men or elders \* \* \*.” Further, when Flavius Eutropius, a fourth-century historian, was writing of the origin of Rome, he made reference to Romulus' creation of the first senate, “\* \* \* he chose a hundred of the older men \* \* \* whom, from their age, he named senators.”

In addition, ABC disputed my claim with respect to the Roman Senate's veto power. As the following excerpts from noted historians will attest, this power of the Senate ebbed and flowed from time to time, but in the main, the Senate preserved, directly or indirectly, its authority and power of ratification or veto over the actions of Roman assemblies. I believe my case is made by the following quotes from prominent historians.

—*A History of the Roman People* (1962) by Heichelheim and Yeo:

The senate possessed still another ancient source of authority summed by the phrases *auctoritas patrum*, which gave it the power to ratify resolutions of the popular assembly before enactment.

—*A History and Description of Roman Political Institutions* (1963) by Frank Frost Abbott:

This view that the senate was the ultimate source of authority was the aristocratic theory of the constitution down to the end of the republican period. . .

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Between 449 and 339, then, in the case of both the *comitia centuriata* and the *concilium plebis*, a bill, in order to become a law, required, first, favorable action by the popular assembly, then the sanction of the patrician senators. . . Now one clause of the Publilian law, as we have already seen, provided that in the case of the *centuriate comitia* the *auctoritas patrum* should precede the action of the *comitia*.”

—*Roman Political Institutions from City to State* (1962) by Leon Homo:

*The Senate*.—Lastly, the Senate, the stronghold of the Patriciate, which it permanently represented, enjoyed a still more complete right of control. In elections and in voting of laws alike, the decision of the Centuriate Assembly must, to be fully valid and to produce its legal effects, be ratified afterwards by the Senate (*auctoritas Patrum*). Refusal of the Senate to ratify was an absolute veto; it made every decision of the *Comitia Centuriata* null and void, and they had no legal recourse against it.

\* \* \* \* \*

So, through the Consuls, the Senatorial oligarchy recovered, in indirect but effective form, the veto, the *auctoritas Patrum*, of which the *Lex Hortensia* had deprived it.

\* \* \* \* \*

. . . the Senate, in losing its right of veto, . . .

\* \* \* \* \*

Sulla, in the course of his Dictatorship, restored its [the Senate's] old right of veto, but it was only for a short time.

—*A History of the Roman World 753–146 BC* (1980) by H.H. Scullard, FBA, FSA:

Though the Senate was a deliberative body which discussed and need not vote on business, it had the right to veto all acts of the assembly which were invalid without senatorial ratification.

\* \* \* \* \*

In all branches of government the Roman people was supreme, but in all the Senate overshadowed them: “*senatus populusque Romanus*” was not an idle phrase.

—*A History of Rome to A.D. 565* (1965) by Arthur E.R. Boak, Ph.D. and William G. Sinnigen, Ph.D.:

The Senate also acquired the right to sanction or to veto resolutions passed by the Assembly, which could not become laws without the Senate's approval.

\* \* \* \* \*

During the early years of the Republic, the only Assembly of the People was the old Curiate Assembly of the regal period. . . Its powers were limited to voting, for it did not have the right to initiate legislation or to discuss or amend measures that were presented to it. Its legislative power, furthermore, was limited by the Senate's right of veto.

\* \* \* \* \*

The legislative power of the Centuries was limited for a long time, however, by the veto power of the patrician senators (the *patrum auctoritas*), who had to ratify measures passed by the assembly before they became law. This restriction was practically removed by the Publilian Law (339), which required the *patres* to ratify in advance proposals that were to be presented to this assembly.

\* \* \* \* \*

Hence it was called the Council of Plebs (*concilium plebis*) and not the Tribal Assembly. Its resolutions, called *plebiscites*, were binding on plebeians only; but, from the late fourth century at least, if the resolutions were approved by the Senate, they became valid for all Romans. In the course of the fourth century the consuls began to summon for legislative purposes an assembly that virtually duplicated the Council of the Plebs but was called the Tribal Assembly (*comitia tributa*) because it was presided over by a magistrate with *imperium* and was open to all citizens. It voted in the same way as the

Council of the Plebs and its laws were subject to the veto power of the Senate.

—*A History of Rome to the Battle of Actium* (1894) by Evelyn Shirley Shuckburgh, M.A.:

. . . the second ordered the *auctoritas* of the fathers (that is, a resolution of the Senate) to be given beforehand in favor of laws passed in the centuriate assembly . . .

\* \* \* \* \*

It took from the senators the power of stopping the passing of a law in the centuriate assembly, . . .

Mr. President, though these two matters may seem trivial and insignificant to some, I did want to take this opportunity to assure the readers of my book, *The Senate of the Roman Republic*, that the conclusions drawn are based on a great deal of study on my part. Over the course of many years of research, I have gleaned information, not only from esteemed modern scholars in Roman history, but also from the actual historians of the time. My reference to the Roman Senate as an assembly of old men and to the veto power of the Roman Senate was garnered from these authorities. I recognize that history is sometimes subject to interpretation; therefore, one can only assume that this may have been the premise for the ABC News story.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. HUTCHISON). There being no further morning business, morning business is closed.

#### DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. The clerk will report the pending business. The assistant legislative clerk read as follows:

A bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Sarbanes Amendment No. 2782, to restore homeless assistance funding to fiscal year 1995 levels using excess public housing agency project reserves.

Rockefeller Amendment No. 2784, to strike section 107 which limits compensation for mentally disabled veterans and offset the loss of revenues by ensuring that any tax cut benefits only those families with incomes less than \$100,000.

Rockefeller Amendment No. 2785 (to committee amendment on page 8, lines 9–10), to increase funding for veterans' medical care and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes less than \$100,000.

Baucus Amendment No. 2786, to provide that any provision that limits implementation or enforcement of any environmental

law shall not apply if the Administrator of the Environmental Protection Agency determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law.

The PRESIDING OFFICER. Under the previous order, there are 4 minutes equally divided for debate, and a vote will follow that 4 minutes.

AMENDMENT NO. 2784

Mr. ROCKEFELLER. Madam President, speaking as a proponent of the amendment, this amendment would strike a provision in the bill which cuts off disability compensation to certain veterans who are disabled by reason of mental problems. It cuts off their savings when they reach \$25,000. We do that for no other veteran. We do that for nobody else in the country, as far as I know.

The amendment is funded by limiting any tax cut under the budget resolution to families earning less than \$100,000.

Madam President, there is no justification whatever for singling out mentally disabled people for discriminatory treatment. There is none.

If these veterans are disabled, we as a nation have said that they are entitled to disability compensation—entitled to it. It is in the law. We have not said they are entitled to compensation only if they are poor. We have not said they are entitled to compensation only if they have savings less than \$25,000. We have not said they are entitled to compensation only if they have no sources of funds from anywhere else.

They are entitled to compensation. We have said that they are entitled because of their disability. Are we prepared to say now, for some reason, that mentally disabled people are somehow less entitled as veterans, solely because they are disabled?

This Senator is not; hence, my amendment. I urge my colleagues to waive the Budget Act and then to strike this provision which discriminates against mentally disabled veterans.

Mr. President, during last evening's debate on my amendment to strike the provision from the appropriations bill which provides for a cutoff of compensation to mentally disabled veterans when their savings reach a certain level, we were operating then under a limited time agreement, which I accepted in the interests of moving the progress of the bill. However, there were a number of points made during that debate which should not go unanswered, so I am making this further statement to describe more fully my views on this legislation.

Mr. President, one point that was made a number of times during the debate was that the mentally incompetent veterans we are talking about have all of their needs taken care of by VA. I am not certain what point was being made, but I think it is vital to note that the individuals that are covered by this amendment are not under

VA care. However their needs are being addressed, it is not a result of VA activity except to the extent that the veterans use their compensation payments to pay for care.

Another point that must be addressed relates to the relationship of those who might receive some of the veteran's estate at the time of the veteran's death. As I noted in my statement last evening, it is certainly possible that some remote heirs might benefit from a mentally incapacitated veteran's estate. However, the only thing this provision ensures is that the veteran's estate will be diminished unless the veteran has dependents. There is nothing in the provision which limits its effect to noncaring, distant relatives. The existence of a loving, caring nondependent child who sees the veteran daily would not be sufficient to keep this provision from taking effect. It would be triggered in any case in which there are no dependents.

Mr. President, the suggestion was made that this provision is necessary in order to keep remote heirs from inheriting the estates of mentally disabled veterans. I note that no evidence was cited to support the proposition, nor is there any evidence that I am aware of, that would demonstrate that a mentally impaired veteran is any more likely to leave an estate to remote heirs than a mentally competent one. It is important to highlight that the VA process relating to a declaration of incompetency does not mean that a veteran does not have the ability to execute a valid will.

This concern about so-called remote heirs would apply to any disabled veteran who dies without a will. Any veteran—mentally disabled or otherwise—who is able to execute a will and who does so should not have limitations on who can be named as beneficiary under the will, nor any restriction on the amount of the estate that can pass under the will. If there is a governmental interest in restricting inheritance of estates, any part of which is made up of VA compensation—and let me be clear, I do not believe that there is—then it must apply equally to a disabled veteran who is not mentally incompetent.

As many of my colleagues know, the original enactment of this provision was challenged by the Disabled American Veterans in a lawsuit in 1991.

The Federal court that heard the case—and which declared that original enactment unconstitutional—noted that the limitation did not affect the payment of compensation to between 95 to 98 percent of the disabled veterans who have no dependents. It hardly makes sense or can be defended that this small group of mentally disabled veterans should be singled out for this treatment.

Mr. President, the only characteristic that distinguishes the class of veterans that is being singled out in this legislation is their mental injury or disease. Perhaps some believe that

these veterans are less likely to object to such governmental intrusion into their lives, but that is hardly a basis for this sort of legislation which takes away compensation to which the veterans are entitled.

Mr. President, it is worth noting that about 85 percent of estates left by mentally incompetent veterans are inherited by close family members. While these individuals may or may not be dependents, that should hardly disqualify them from inheriting the veterans' estates. Indeed, it is very often these individuals—parents, nondependent children, brothers and sisters, other close family members—who have made significant personal sacrifices to care for the veteran during the veteran's lifetime.

Mr. President, it should be noted that the estates of mentally disabled veterans are frequently made up of funds from sources other than VA benefits, and the effect of this provision would be to require these veterans to reduce the overall value of their estates in order to continue to receive the compensation which is their due.

The bottom line, Mr. President, is this: No matter what arguments are put forward in an attempt to justify this provision, in the end it can only be seen as what it is—rank discrimination against mentally disabled veterans. It is unworthy of the Congress and should be rejected.

Mr. President, I am aware of the two reports—a 1982 GAO report and a 1988 VA inspector general report—that are cited as the justification for this provision. While it may be argued that some support for this provision may be found in one or both of these reports, I think that a closer examination will show that this reliance is misplaced.

For example, Mr. President, neither report provided evidence that mentally disabled veterans accumulate more assets than other veterans. Nor did either report find a basis for distinguishing mentally disabled veterans from all other disabled veterans on the issue of the disposition of their estates or as to any other element related to their VA compensation. In fact, neither report looks at competent veterans.

Both reports assumed, with no basis, that mentally disabled veterans do not have wills. This is simply not true.

Neither report studied mentally competent veterans to learn how they dispose of their estates.

The GAO report looked at a small sample—only four regional offices—hardly a sufficient basis on which to make so sweeping a change in VA compensation policy.

With respect to the inspector general's report, my colleagues may not know that the IG did not recommend that compensation payments to mentally incompetent veterans be stopped, but rather recommended that the compensation payments be paid into a special trust fund on behalf of the veterans.

Mr. President, in essence, this provision is establishing a means test for

one very small group of veterans, and doing so on a very scant record. I know that both the House and Senate Veterans' Affairs Committees supported this provision in OBRA 90. We made a mistake then, and nowhere is that demonstrated more clearly than in the district court opinion in the suit brought by DAV.

Our committee could have repeated the mistake in this Congress as we worked to meet our reconciliation mandate. We did not. The Senate should not do so either.

Mr. LEAHY. Mr. President, I am an original cosponsor of the Rockefeller amendment, and I urge my colleagues to vote for its adoption. This is a simple amendment, and its passage will send an important message to America's veterans that we will not forget our obligations to them.

Veteran's medical care accounts for nearly half of the budget of the Department of Veterans Affairs. It provides for the care and treatment of eligible beneficiaries in VA hospitals, nursing homes, and outpatient facilities. When you walk down the halls VA hospitals like the one in White River Junction, VT, you see the proud faces and shattered bodies of men who have given more to their country than just lip-service and taxes. I say men because the overwhelming majority of these veterans are men, although the number of women veterans is rising.

Mr. President, if there is one area where everyone can agree that the Federal Government has a compelling role, it is in the care of our Nation's service disabled and indigent veterans. It is the Federal Government which raises armies and the Federal Government which sends our young people off to war. It is the Federal Government which is obligated to take care of veterans after the shooting stops.

The appropriations bill before us cuts the VA medical care account \$511 million below the President's request. No one can stand in front of this body and say that these cuts are not going to affect veterans, because the fact is that they will. They will make a difference in the services provided at White River Junction and at VA hospitals across the country. This amendment restores the medical care fund back to the President's request, and uses the funds from Republican tax cuts to pay for it.

Everyone in this body is familiar with the \$245 billion in tax cuts that have been proposed by the Republican leadership. I have been against these cuts from the start, because more than half of the benefits go toward those who make more than \$100,000 a year. Let me tell you, I do not hear from too many Vermonters making that much money that say they need a tax cut. I would consider supporting tax cuts that target the lower and middle class, but not this one. By voting for this amendment, we are putting our spending priorities back where they belong, and that is on providing services for the veterans who have earned them.

I think more people around the Senate should heed the words of Abraham Lincoln, which are chiseled on a plaque at the Veterans Administration building a few blocks from here. These words ring as true today as they did in the aftermath of the bloody Civil War: "To care for him who shall have borne the battle and for his widow, and his orphan."

I urge my colleagues to join me in voting for this important amendment.

Mr. WELLSTONE. Madam President, I am very proud to be an original cosponsor, I say to my colleagues, of both of these amendments. There is, I think, a very, very direct question for each Senator to answer. In exchange for agreeing not to have any tax giveaways for individuals, families with incomes under \$100,000 a year, we will make sure that we do not put into effect an egregious practice of mean testing compensation for veterans that are struggling with mental illness, service-connected.

As the Secretary has said, Jesse Brown, I think one of the best Secretaries we have, the only difference between veterans that are mentally incapacitated and physically is those that are mentally quite often cannot speak for themselves. This would be a terrible and cruel thing if we now have this unequal treatment.

Finally, Madam President, to be able to restore \$511 million so we keep a quality of inpatient and outpatient care, that is what this is about; not the tax giveaways for those with high incomes and a commitment to veterans.

These are two extremely important amendments that represent a litmus test for all of us.

Madam President, I am pleased and proud to be an original cosponsor of the two amendments to H.R. 2099, the VA-HUD appropriations bill for fiscal year 1996 that specifically concern our Nation's veterans. My distinguished colleagues who are cosponsoring this amendment are to be congratulated for their efforts to ensure veterans' access to quality VA health care is not seriously compromised and to protect some mentally incompetent veterans who are being targeted for discriminatory, arbitrary, and shameful cuts in VA compensation.

Madam President, while these amendments address two different issues—veterans health care and compensation for the most vulnerable group of American veterans—they are prompted by one basic concern. Our pressing need to balance the budget. Unfortunately this pressing need is being used to justify unequal sacrifice. Veterans with service-connected disabilities and indigent veterans, many of whom earned their VA benefits at great cost on bloody battlefields are seeing those benefits whittled away, while the most affluent of our citizens are exempted from sacrifice. Instead of being asked to share the pain, the wealthy seemingly are supposed to contribute to balancing the budget by ac-

cepting substantial tax cuts. What kind of shared sacrifice is this?

I believe that one of the great strengths of these amendments is that they make a significant contribution to righting the balance. The \$511 million that would be restored to the medical care account to enable the VA to meet veterans health care needs and the \$170 million that is needed to ensure that all mentally ill veterans continue to receive unrestricted compensation are to be offset by limiting any tax cuts provided in the reconciliation bill to families with incomes of less than \$100,000.

Our Nation's veterans are prepared to sacrifice for the good of this country as they have done so often in the past, but only if the sacrifices they are asked to make are: First, equitable; second, reasonable; and third, essential. Clearly, these sacrifices that service-connected—particularly mentally incompetent veterans—and indigent veterans are being asked to make meet none of these essential criteria.

Madam President, before I conclude I would like to discuss each of the amendments. One of the amendments would restore to the medical care account \$511 million cut from the President's budget for fiscal year 1996. While there may be some doubt as to the validity of VA projections of the precise impact of such a cut on veterans health care, there is little doubt that it would result in some combination of substantial reductions in the number of veterans treated both as outpatients and inpatients as the number of VA health care personnel shrink. According to the VA, this cut could have an impact that is equivalent to closing some sizable VA medical facilities.

While not directly related to this amendment but related to the quality of VA health care generally, this bill also would eliminate all major medical construction projects requested by the President. In the process, some projects involving VA hospitals that do not meet community standards and are deteriorating would not be funded. How can we treat veterans in facilities that do not meet fire and other safety standards? In obsolete facilities that lack separate rest rooms and dressing room areas for men and women veterans? This is a travesty and no way to treat those who have defended our country. Our veterans do not deserve such shabby and undignified treatment and I will do all in my power to see that this shameful situation ends. I hope that all of my colleagues will join me in this long overdue effort.

Madam President, as I pointed out at a Veterans' Affairs Committee hearing a few months ago these cuts could not come at a worse time. We are now talking about cutting \$270 billion over the next 7 years from Medicare and making deep cuts in Medicaid. This could lead to a much greater demand for VA services precisely at a time when VA health care capabilities are eroding. Would the VA be able to cope with an

influx of elderly and indigent veterans eligible for health care, but currently covered by Medicare or Medicaid? There sometimes is much talk about a declining veterans population, but much less about an aging veterans population—one that disproportionately requires expensive and intensive care. What happens if this population grows even more as a result of Medicare and Medicaid cuts? Before veterans fall victim to the law of unintended consequences, I strongly urge my colleagues to give careful consideration to the cumulative impact on veterans health care of such concurrent cuts in Federal health care funding.

Regarding the other Rockefeller amendment, I was frankly appalled when I learned that both the House and Senate versions of H.R. 2099 include a provision that limits compensation benefits for mentally incompetent veterans without dependents but does not limit benefits for physically incapacitated veterans without dependents—or any other class of veterans for that matter. As I understand it, compensation for service-connected disabilities paid to mentally incompetent veterans without dependents would be terminated when the veteran's estate reached \$25,000 and not reinstated until the veteran's estate fell to \$10,000.

Such unequal treatment is outrageous and indefensible. How can we discriminate against veterans who became disabled while serving their country only because they are mentally ill. In eloquent and informative testimony before the Senate Veterans' Affairs Committee, Secretary of Veterans Affairs Jessie Brown, who I regard as an outstanding Cabinet officer and a singularly tenacious and effective advocate for veterans, pointed out that the only difference between veterans who have lost both arms and legs and those who have a mental condition as a result of combat fatigue, is that the latter group cannot defend themselves. Moreover, the Secretary stressed, we are not only talking about veterans who seem to have no organic basis for their mental illness, but also veterans who were shot in the head on the battlefield and as a result of brain damage cannot attend to their own affairs. And, I might add that to make matters worse, this provision amounts to means-tested compensation that applies to only one class of veterans—the mentally ill. I am aware that such a provision was enacted in OBRA 1990 and withstood court challenge, but the fact that it was held to be constitutional makes it no less abhorrent. Fortunately Congress had the good sense to let this onerous provision expire in 1992.

Victimizing the most vulnerable of our veterans while providing tax cuts to our wealthiest citizens smacks of afflicting the afflicted while comforting the comfortable. I urge my colleagues from both sides of the aisle to support the Rockefeller amendment on this subject.

Finally, Madam President, I am very proud to be a Member of the Senate, the oldest democratically elected deliberative body in the world. But I am sure the last thing any of you would want is for this great deliberative body to merely rubber stamp ill-advised actions by the House and in the case of the VA medical account to make matters even worse by appropriating \$327 million less than was appropriated by the House.

The veterans health care and compensation protected by these two amendments are by no means hand-outs, but entitlements earned by men and women who put their lives on the line to defend this great country. They are part and parcel of America's irrevocable contract with its veterans, a contract that long predates the Contract With America we have heard so much about recently.

I have a deep commitment to Minnesota veterans to protect the veterans benefits they have earned and are entitled to and in cosponsoring these amendments I am keeping my faith with them. I urge my colleagues to join me in supporting both amendments.

Mr. ROCKEFELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, thank you very much.

We should be clear about a couple of things. The money is not necessary to take care of incompetent veterans. These veterans are being taken care of through the Veterans Administration system.

They can keep up to \$25,000 of their estate, but beyond that we are saying, as the House did, that we should not continue to build up their estate. These are people that do not have a spouse. They do not have a dependent child or dependent parent. This money simply goes to nondependent heirs when these incompetent veterans die.

We had to make tough choices in putting this bill together because of the limits of funds. Madam President, \$170 million that would have gone into the estates of these veterans goes to veterans' medical care.

Now, the solution offered by my friend and colleague from West Virginia is to rely on a phony offset. Everybody in this Senate knows that there is no tax cut in this budget. He proposes to offset it against a tax cut. It is not there.

What this budget waiver does is ask our colleagues to waive the Budget Act, to give up on balancing the budget, to forget about our promise to the American people to end the deficit in the year 2002.

This is the ultimate budget buster. This is where the opponents of balancing the budget start the effort to unravel the budget agreement. It is a

typical liberal solution—we will not make choices. If they were serious about getting this money back for these veterans, they would have offered a real offset and made choices as we have to do in the appropriations process.

They did not. They said, "Let's bust the budget. Let's have the ultimate estate builder plan, putting money into the veterans' estates," not to go to their heirs, but putting it on the credit cards of our children and grandchildren.

I urge my colleagues not to waive the Budget Act on this matter.

Mr. WELLSTONE. Madam President, I ask unanimous consent I be included as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. All time has expired. The pending question is on agreeing to the motion to waive the Budget Act for the consideration of amendment No. 2784, offered by the Senator from West Virginia [Mr. ROCKEFELLER].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted, yeas 47, nays 53, as follows:

[Rollcall Vote No. 465 Leg.]

#### YEAS—47

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Breaux	Hefflin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Snowe
Dorgan	Leahy	Wellstone
Exon	Levin	

#### NAYS—53

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Packwood
Burns	Hatch	Pressler
Campbell	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hutchison	Shelby
Cochran	Inhofe	Simpson
Coverdell	Jeffords	Smith
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kerrey	Thomas
Dole	Kyl	Thompson
Domenici	Lott	Thurmond
Faircloth	Lugar	Warner
Frist	Mack	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive the Budget Act is not agreed to. The point of order is sustained.

Mr. BOND. Madam President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I ask unanimous consent that the remaining stacked votes be reduced to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2785

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes equally divided on the pending question.

The pending question is another motion to waive the Budget Act, amendment No. 2785, offered by the Senator from West Virginia. The Senator will have 2 minutes and the Senator from Missouri will have 2 minutes. The Senator from West Virginia is recognized as soon as the Senate comes to order.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank the Presiding Officer.

This amendment would provide funding for veterans' health care at the level requested by the President, which is \$16.96 billion, and would offset the \$511 million increase that that represents by limiting any tax cut under the budget resolution to families that earn less than \$100,000.

Again, I think this choice is a simple one. The President simply wanted to keep the funding for veterans' health care services—the people whom we have said have a special entitlement to health care services—consistent with inflation. And it is not even health care inflation. It is regular inflation, which is 3.4 percent. Health care inflation is almost double that.

And so the President's request is below what is truly needed. We are already reducing veterans' health care, but the Senate has reduced it way, way below, and the result will be that we will close some veterans hospitals, that we will deny eligible veterans both inpatient and outpatient care, well over 100,000 of them; and interestingly and importantly, in an organization, that is fighting to hold on to its best health care people, we will lose 6,500 Veterans Affairs' health care professionals. I think this is an unsustainable proposition, and I think the President sought only a modest increase. It was not even an inflationary increase in the real terms of health care.

I hope that the motion to waive the Budget Act will be sustained, and I request the yeas and the nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. BOND. Madam President, I yield 1 minute to the chairman of the Veterans' Committee, the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. SIMPSON. Madam President, I chair the Veterans' Affairs Committee. It is always remarkable to have to come here to the floor and get into a debate that somehow reflects that we do not take care of our veterans in America.

When I came to this committee, we were giving veterans \$20 billion. In this proposal, it is now close to \$40 billion. Everything we have done with veterans health care has gone up. We have more nurses; we have more doctors. Remember this figure if you will, please. Madam President, 90 percent of the health care goes to non-service-connected disability—90 percent non-service-connected disability—not service-connected disability. This is a serious issue. If anyone can believe we do not take care of the veterans of the United States, please drop by my office. The occupancy rates at the hospitals are going down. The population is going down and the budget is going up, just as it should be.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMPSON. So veterans are well taken care of. This is an assault on the budget process.

Mr. BOND. Madam President, only inside the Beltway would a \$285 million increase in veterans medical care be attacked as a cut. In a very difficult time we allocated \$285 million more for veterans medical care to assure that they can provide the care that is needed for veterans.

To say that this is being offset by a tax cut is more phony baloney. It is an effort to break the budget agreement. We had to make choices. If the proponents were serious about increasing money even more than we have for veterans medical care, they would have come up with a real offset.

Be clear about it: A vote to waive the Budget Act does not improve veterans health care; it merely busts the budget agreement and puts a greater deficit on the American economy and a greater burden on our children and our grandchildren who will have to bear the expense.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. KYL). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 49.

[Rollcall Vote No. 466 Leg.]

YEAS—51

Akaka	Dodd	Kennedy
Baucus	Dorgan	Kerry
Biden	Exon	Kohl
Bingaman	Feingold	Lautenberg
Boxer	Feinstein	Leahy
Bradley	Ford	Levin
Breaux	Glenn	Lieberman
Bryan	Graham	Mikulski
Bumpers	Harkin	Moseley-Braun
Byrd	Heflin	Moynihan
Campbell	Hollings	Murray
Cohen	Inouye	Nunn
Conrad	Jeffords	Pell
Daschle	Johnston	Pryor

Reid  
Robb  
Rockefeller

Sarbanes  
Simon  
Snowe

Specter  
Warner  
Wellstone

NAYS—49

Abraham  
Ashcroft  
Bennett  
Bond  
Brown  
Burns  
Chafee  
Coats  
Cochran  
Coverdell  
Craig  
D'Amato  
DeWine  
Dole  
Domenici  
Faircloth  
Frist

Gorton  
Gramm  
Grams  
Grassley  
Gregg  
Hatch  
Hatfield  
Helms  
Hutchison  
Inhofe  
Kassebaum  
Kempthorne  
Kerrey  
Kyl  
Lott  
Lugar  
Mack

McCain  
McConnell  
Murkowski  
Nickles  
Packwood  
Pressler  
Roth  
Santorum  
Shelby  
Simpson  
Smith  
Stevens  
Thomas  
Thompson  
Thurmond

The PRESIDING OFFICER. On this the vote, the yeas are 51, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive the Budget Act is rejected. The point of order is sustained.

Mr. BOND. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2786

The PRESIDING OFFICER. The question now occurs on amendment No. 2786, offered by the Senator from Montana [Mr. BAUCUS]. There are 4 minutes for debate to be equally divided.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this amendment is very simple. It provides that no rider to this appropriations bill would take effect if it would weaken protection of human health and the environment. It is designed to send a strong message, particularly to the House, that we should not use appropriations bills for a back-door attack on environmental protection.

Last night, Senator BOND argued that the bill gives unfettered discretion to EPA and might even be unconstitutional. I might say to my colleagues, I checked with the Justice Department. The Justice Department has reviewed the amendment and concluded that the amendment is constitutional. So that is not a problem.

It is also aimed only at a set of specific rifle-shot riders, and if the administrator, under the amendment, invalidates a particular rider, the administrator would be fully bound by all of the terms and conditions of the underlying law.

Let me remind everyone why this amendment is necessary. We need to reform our environmental laws, to make them not only strong but smart. But the appropriations bill, and particularly the House, is not environmental reform. It contains riders that roll back, eliminate environmental laws. For example, it eliminates the

Great Lakes initiative; it eliminates rules for toxic air emissions from hazardous waste incinerators and refineries; it eliminates enforcement of the wetlands program. In the Environment & Public Works Committee, we are dealing with the wetlands program, working to reform it. This rider eliminates it. It eliminates rules that control discharge of raw sewage into public waters. The list of riders goes on.

The Senate bill takes a much more moderate approach, and I compliment the Senator from Missouri for doing so. But we have to send a strong message to the conferees: We should not load up this bill with riders that would threaten the health and quality of American families.

I urge my colleagues to support the amendment, and I oppose the motion to table.

Mr. President, I ask unanimous consent that Senators MURRAY and WELLSTONE be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, the level of funding for EPA and the legislative riders contained in this bill mean one thing for the citizens of our Nation: a lower quality of life. To a large degree, the quality of our lives depends on the integrity of our environment; the quality of the air we breathe, the water we drink, and the soil we farm and live on. For the last 25 years EPA has set out to improve and guarantee the quality of life for all Americans by cleaning up our air, water, and soil and keeping them clean. But with inadequate funding and congressionally mandated caveats and barriers, our people and our environment will no longer be adequately protected.

We all need water to live. We are, in fact, 60 percent water ourselves. Clean water is essential to our survival. But riders in this bill would prevent EPA from protecting Americans from drinking water contaminants that are known to be harmful. Because of this bill, the public will continue to be exposed to contaminants like arsenic, radon, and the microbe cryptosporidium.

Arsenic is a known carcinogen. The current arsenic rule, implemented in 1942, poses a 1 in 50 cancer risk—10,000 times worse than is generally considered acceptable. By preventing EPA from issuing a final arsenic rule, this bill will allow over 30 million Americans to continue to drink arsenic-laced drinking water every day.

The same is true of radon. Drinking water containing radioactive radon is known to cause cancer. Controlling radon in drinking water will prevent hundreds of cancers. Over 40 million people will continue to drink radon-contaminated water unless EPA is allowed to act.

In 1994, a cryptosporidium outbreak in a contaminated well in Walla Walla, WA, sickened or hospitalized dozens of

people. A groundwater disinfection rule would likely have prevented this outbreak. But this bill would prohibit EPA from requiring any groundwater to be treated to kill parasites.

We also need clean air to breathe. But this bill requires EPA to reevaluate the standards it has imposed on the oil refinery industry to utilize the Most Available Control Technology [MACT] to control emissions from valves and pumps. These leaks account for as much as one-half of total refinery emissions. Industry requested this rider because they believe that emissions have been overestimated. However, the estimated emissions of toxic pollutants from a medium-sized refinery are 240 tons per year, almost 10 times greater than the minimum statutory definition of a "major source" of toxic air pollution subject to the same control measures. It seems unlikely that EPA has made such a tremendous overestimation of emissions.

Finally, Mr. President, the report accompanying this bill contains a provision that will certainly delay cleanup of a Superfund landfill in my State of Washington. This landfill is located on the Tulalip Indian Reservation in an estuary of Puget Sound and is discharging contaminants directly into the sound. The language in this report directs EPA to do more studies and engage in more discussion in the hopes the agency will not implement its presumptive remedy of capping the site. While I agree that the cost to these powerful PRP's might be high, the cost to the people who live around the sound, or eat fish from the sound, or recreate in the Sound is much higher. I have tried to get the committee or the provision's sponsor to insert language that forced the PRP's and EPA to act quickly to stop this seeping mess, but I was not entirely successful. The sponsor promises this will not delay cleanup and that these studies and discussions will be completed within fiscal year 1996. I, and the people who want a clean Puget Sound, can only hope that is the case.

Mr. President, we must remain committed to improving and protecting the quality of life for the citizens of our Nation. This means protecting the environment. I urge my colleagues to support efforts to increase funding for EPA and to strip the legislative riders from this bill.

Mr. LIEBERMAN. Mr. President, I rise in strong support of Senator BAUCUS' amendment because it assures that no provision in the House or the Senate appropriations bills governing EPA's budget will harm public health or the environment.

The No. 1 responsibility we have, and what people demand from us, is to protect the public we serve from harm. This means guarding our national security with a strong defense, and keeping our streets safe from crime. But that also means protecting people from breathing polluted air, from drinking poisonous water, and from eating con-

taminated food—in other words, protecting people from harms from which they cannot protect themselves.

We often fail to think of these problems in terms of being a threat to our safety and well-being, primarily because the Federal Government has done such a good job in guaranteeing that we have clean air and clean water and edible food. One of the great ironies here is that some of the riders in the appropriations bills this Congress may succeed in attempts to eviscerate our key environmental laws precisely because we have succeeded in diminishing environmental dangers from every day life.

Make no mistake, however, the riders particularly in the House bill will, if they find their way into law, quickly remind people of the very real dangers we have been fighting against for the last generation. The riders would severely limit the agency's ability to ensure that our water is safe, our food is safe, and our air is clean.

What makes these riders particularly outrageous is that they are being done without any opportunity for the public to comment on what would be a revolutionary shift in our national policies. This is essentially the equivalent of tacking on a provision legalizing narcotics in America to the FBI's appropriation.

The riders relating to the Clean Water Act would quite simply end enforcement and implementation of the Clean Water Act. The riders would mean widespread degradation of the water quality in Long Island Sound. It would threaten the sound's beaches and its enormous commercial shellfish industry, which has the top oyster harvest in the Nation. In fact, Long Island Sound supports \$5 billion a year in water-quality dependent uses. These economic benefits are due in large part to the improvement in water quality brought about by the Clean Water Act.

The Clean Water Act riders would prevent enforcement of controls for combined sewer overflows and practices to reduce stormwater pollution. These programs were designed to keep raw sewage off beaches and out of waterways and reduce dirty runoff from streets and farms. They are critical to the cleanup and long-term health of Long Island Sound. Last year alone Connecticut had 162 beach closings from too high a count of disease-causing bacteria. These bacteria come from raw untreated sewage that still flows from sewerage treatment systems in Connecticut and New York that are old and being stressed from a growing population in coastal areas. Under the House bill, raw sewage would continue to spill into waters from outdated or inadequate sewage treatment and collection systems. Stormwater controls would be eliminated from many urban areas. The result would be widespread degradation of water quality, which would threaten the State's commercial fishing and shellfishing industry. As



the Connecticut Commissioner of Environmental Protection, Sidney Holbrook, has written about the House bill: "If enacted in its current form, the bill would adversely impact important water quality and public health initiatives."

EPA does much more than enforce the law. EPA provides guidance and funding so that States and localities can upgrade and repair their aging sewerage systems. Language in the House bill would completely stop EPA from issuing stormwater permits, providing technical assistance and outreach, and enforcing against the most serious overflow problems.

Let me briefly discuss my concerns with some of the other riders.

One rider would prevent the EPA from enforcing its rule limiting emissions of hazardous air pollutants from refineries. This rule, which has just gone final, would reduce toxic emissions from refinery facilities by almost 60 percent—approximately 53,400 tons per year of toxic emissions and 277,000 tons per year of emissions of volatile organic compounds, the major contributor to smog. The health impacts of hazardous air pollutants include potential respiratory, reproductive, and neurotoxic effects.

The rule simply requires that petroleum refineries seal their storage tanks, control process vents, and detect and seal equipment leaks. About 50 percent of the 165 refining facilities in this country are already meeting or almost meeting the rule's requirements. This rule levels the playing field and provides minimum protections to all communities living in proximity to a petroleum refinery. EPA has made substantial changes from its proposed rule based on the comments of industry, resulting in much greater flexibility. Even the American Petroleum Industry by a vote of 17 to 3 supports the rule. That this rule cannot be enforced by EPA is simply a delay tactic by a small group of refineries that do not want to comply with standard industry practices.

Another rider on the House side would limit EPA's ability to gather data under the toxic release inventory that would give the public a better understanding of toxic chemicals released into their environment and where they work.

The Toxic Release Program is a non-regulatory, noncommand, and control program. It is essentially a market-based program—providing information to the public so that it can make informed choices and enter constructive dialog with facilities in their communities.

I have just mentioned a few riders in my comments—there are more than 25 others that I didn't mention but all affect EPA's duties. The Baucus amendment will assure that none of the appropriations riders will endanger current health and environmental protections that we rely upon and expect and which improve our quality of life.

For these reasons, I urge my colleagues to support this amendment.

Mr. BOND. Mr. President, last night I said that this amendment was breathtaking. First, I extend my sincere thanks to the kind words that the Senator from Montana has made about the measures we put in our bill. He addressed his arguments against the so-called legislative riders in the House bill. Regardless of how good or bad they are, how good or bad ours are, his solution is to give the EPA administrator unfettered authority to disregard a law passed by the Congress and signed by the President.

He claims that the Justice Department advised him it is not unconstitutional. I say look at the Chadha decision, and it is clearly unconstitutional. That is not the question here. The courts would have to decide it. But I do not want to see this body going on record as giving an unelected bureaucrat the authority to disregard a law passed by Congress and signed by the President. This is truly outstanding. So many people in Washington talk about Congress' solutions being "neat, simple and wrong." Well, this goes one step further; it is neat, simple, and unconstitutional.

Let me, for the benefit of my colleagues, read this to you:

Any prohibition or limitation in this Act on the implementation or enforcement of any law administered by the Administrator of the Environmental Protection Agency shall not apply if the Administrator determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law.

That, to me, gives the EPA Administrator the power to veto, ignore, or totally disregard a law. I am not going to move to table this. I want my colleagues to have the pleasure of voting up or down on the simple proposition.

The PRESIDING OFFICER. A motion to table has already been made.

Mr. BOND. Mr. President, I ask unanimous consent to withdraw the motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. I want my colleagues to have the pleasure of voting yes or no on this simple proposition: Do you want the unelected Administrator of the EPA to be able to change laws passed by Congress and signed by the President?

I certainly do not. I urge my colleagues to vote "no."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 467 Leg.]

YEAS—39

Akaka	Feinstein	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Graham	Murray
Bingaman	Harkin	Pell
Boxer	Inouye	Pryor
Bradley	Jeffords	Reid
Bryan	Kennedy	Robb
Bumpers	Kerry	Rockefeller
Chafee	Kohl	Roth
Cohen	Lautenberg	Sarbanes
Daschle	Leahy	Simon
Dodd	Levin	Snowe
Feingold	Lieberman	Wellstone

NAYS—61

Abraham	Ford	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Moynihan
Breaux	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Nunn
Byrd	Hatch	Packwood
Campbell	Hatfield	Pressler
Coats	Hefflin	Santorum
Cochran	Helms	Shelby
Conrad	Hollings	Simpson
Coverdell	Hutchison	Smith
Craig	Inhofe	Specter
D'Amato	Johnston	Stevens
DeWine	Kassebaum	Thomas
Dole	Kempthorne	Thompson
Domenici	Kerrey	Thurmond
Dorgan	Kyl	Warner
Egon	Lott	
Faircloth	Lugar	

So the amendment (No. 2786) was rejected.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2782

The PRESIDING OFFICER. The question is on the amendment numbered 2782 of the Senator from Maryland; 10 minutes will be equally divided, and the Senator from Maryland will be recognized.

Mr. SARBANES. Mr. President, could I inquire of the parliamentary situation, the time situation?

The PRESIDING OFFICER. There is 10 minutes for debate before the vote, 10 minutes equally divided.

Mr. SARBANES. Mr. President, 5 on each side?

The PRESIDING OFFICER. Right.

The Senator from Maryland.

Mr. SARBANES. Mr. President, I yield myself 2 minutes.

Mr. President, I implore my colleagues to support this amendment on the homeless. The committee has cut the money for homeless assistance by 32 percent from last year's level. In fact, the committee level is below the level of the year before last. The House has cut homeless assistance by 40 percent. If we fail to adopt this amendment, our conferees will be working with a figure of 32 percent below last year—a cut of \$360 million. The House has a cut of \$444 million below last year. If we pass this amendment, we will give our conferees an opportunity in conference to do something about the homeless.

We are making progress in our fight against homelessness and this amendment will advance that cause. This proposal would bring homeless funding

back to last year's level—\$1.1 billion. The Appropriations Committee said in its report that "The committee is worried that the block grant approach with funds less than \$1 billion may disadvantage some areas with significant homeless populations and some homeless providers." This amendment will bring homeless funding back above the \$1 billion level so we can move to a formula grant. A formula grant will make it possible for the States, the localities, the churches, the social service agencies, the civic organizations, and the nonprofit groups to work collectively in a more constructive and positive fashion to resolve the problem of the homeless.

The offset for this amendment comes out of the funds for the renewal of expiring section 8 contracts. The reduction in renewal resources is made possible by a provision in this amendment that allows the Secretary to require housing agencies to use section 8 reserves to renew their expiring contracts. The HUD Secretary has written to us that this offset would not create a problem in renewing expiring contracts. He writes, "Funding for renewal of expiring contracts can be reduced without any impact on existing recipients."

The act that encompasses our homeless assistance programs is named after Stewart McKinney—the distinguished former Republican Congressman from Connecticut. Ever since Congressman McKinney's efforts to develop the homeless assistance programs, Federal policies for homeless assistance have enjoyed bipartisan support. I urge my colleagues to continue this bipartisan approach here today.

How much time is remaining?

The PRESIDING OFFICER. The Senator has 2½ remaining of the 5 minutes.

Mr. SARBANES. I yield myself 30 seconds, if the Chair will remind me.

Mrs. Lucie McKinney—the widow of the very distinguished former Republican Congressman—wrote an article a couple of weeks ago about the programs that help the homeless. Let me just quote the end of that article. She wrote:

We do know how to end homelessness. While the cure is not cost-free, it costs a whole lot less than not facing and solving the problem. Saving lives and saving money—how can that be bad?

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator has 2 minutes remaining. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 2 minutes and ask to be advised when that 2 minutes runs.

Mr. President, this amendment proposes to increase funding for homeless activities by \$360 million, certainly a noble objective. But the budgetary offset comes from the appropriations for renewal of section 8 rental subsidy contracts.

There is no dispute that more homeless assistance funding could be used.

The committee looked everywhere it could to find this money, to balance the needs of the homeless with those who are now getting existing low-income housing assistance. Despite severe budgetary constraints, the committee increased House-passed homeless funding by \$84 million. When combined with amounts released by HUD, homeless activities in fiscal year 1996 should be maintained at current rates.

We provided in the report, because of the tightness of funds, HUD is "expected to work through negotiated rulemaking and include recommendations made by States and localities as well as homeless assistance providers."

I find it startling that the Secretary of HUD is now saying he can do without this \$360 million. They originally requested \$5.8 billion for section 8 renewals. At my request, they reviewed it and came down to \$4.8 billion for their request. We were only able to provide them \$4.3 billion. And the very persuasive Senator from Maryland is able to convince the Secretary he can take less than \$4 billion?

Make no mistake, these section 8 renewals are renewals that can be used for the elderly, the disabled, people with AIDS and others needing homeless assistance. Unfortunately, this is a shell game. It may make "letters to the editor" writers feel better, but it is a phony effort to get money where we cannot take it—from those who are without funds for their housing.

I reserve the remainder of my time.

Mr. SARBANES. I yield 1 minute to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, as I mentioned yesterday, I took a little time on Sunday to reread Will Durant's book, "The Lessons of History." He said, through the centuries nations have this struggle between those who are more fortunate and those who are less fortunate. That is what this is all about.

The less fortunate, those who are homeless, we have them on the streets like we did not have when I was a young man and when the Presiding Officer was young. It is going to get worse if we do not deal with it. This is a cutback of 32 percent and is imprudent and unwise.

I support the Sarbanes amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, in closing, let me just underscore that I would prefer that we not take the money out of the section 8 reserves. But we are forced by the budget rules to find an offset. The question before us here is, amongst the priorities, which activities ought to come first? The homeless are at the very bottom of the scale. They are out on the street. We have been trying to put together an infrastructure to try to deal with their needs and we are having some success across the country. Each of you know that in your local communities you

have church groups, you have civic organizations, you have community groups who are marshaling their resources to try to deal with the needs of the homeless. They need this Federal support.

The Appropriations Committee has written that the homeless assistance programs would have to get back above \$1 billion in order to justify a formula approach. In the Banking Committee last year, we included a formula approach to homeless assistance that was supported unanimously in the committee. That is where we want to get. The funding in this amendment gives us a chance to get there.

The funding in this amendment also gives the chairman of the committee something to work with in the conference. The House is 40 percent below last year's figure. The current Senate figure represents a 32-percent cut. If the Senate goes to conference on that basis, you know the final outcome is going to be somewhere in between. If the Senate bill is allowed to stand, you are going to have a cut of 35 to 40 percent in the funding for the homeless when this bill comes back from conference. The amendment before you today will enable the chairman to work in conference in order to provide adequate resources to deal with this pressing national issue.

I am simply saying to my colleagues, support this amendment: Vote to shift some of this money from section 8 reserves to the homeless programs. I am not happy with doing it, but we think we can handle the section 8 renewal needs out of existing resources and the Secretary has indicated as much in his letter to us. The additional resources for the homeless in this amendment will give us a chance to put a new approach into effect.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, unfortunately, this does not solve the problem. It takes money from those who depend upon section 8 vouchers or certificates. It is saying to all those on section 8—elderly, disabled, people with AIDS—that we are taking \$360 million away from the pool for renewing these contracts, and there will be people who are now dependent upon section 8 housing who could be thrown out when their contracts expire.

The Secretary, Secretary Cisneros, said after he revised it, we need \$4.8 billion. We were only able in this tight budget time to give him \$4.3 billion. I do not believe him when he says that he can make this work with less than \$4 billion. I think that is an accommodation.

We all would like to accommodate everything. There is no money there. Unfortunately, this is a smoke and mirrors game. The amendment specifically says that notwithstanding certain provisions of this act, the \$360 million " \* \* \* shall not become available for obligation until September 30, 1996,



and shall remain available until expended."

What they are saying is, we are taking money away from reserves in 1996 to throw it into spending in 1997, in hopes that it will look better in 1996. We are in danger of taking away the section 8 assistance for people who need it, to make them homeless, to increase the need for the homeless assistance.

I share the concern of the Senator from Maryland and the others for the homeless.

We have worked what I believe is a reasonable compromise. We need to stay with this plan to provide section 8 assistance for those who are now depending upon the Federal Government for their housing.

This is a smoke and mirrors effort that unfortunately does not improve and might endanger the people that we are trying to help.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SARBANES. Mr. President, will the Senator withhold the tabling motion as he did on the Baucus amendment, and allow an up-or-down vote?

Mr. BOND. I believe we need to table this one.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri to lay on the table the amendment of the Senator from Maryland. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 468 Leg.]

#### YEAS—52

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Packwood
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	
Faircloth	McCain	

#### NAYS—48

Akaka	Dorgan	Kennedy
Baucus	Exon	Kerrey
Biden	Feingold	Kerry
Bingaman	Feinstein	Kohl
Boxer	Ford	Lautenberg
Bradley	Glenn	Leahy
Breaux	Graham	Levin
Bryan	Harkin	Lieberman
Bumpers	Heflin	Mikulski
Byrd	Hollings	Moseley-Braun
Conrad	Inouye	Moynihan
Daschle	Jeffords	Murray
Dodd	Johnston	Nunn

Pell	Robb	Simon
Pryor	Rockefeller	Specter
Reid	Sarbanes	Wellstone

So the motion to lay on the table the amendment (No. 2782) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I wonder if I might inquire of the managers when they believe we may be able to complete action on this bill?

It is my understanding it is going to be vetoed, but there are still a lot of amendments on the other side. I am not certain how many require rollcalls. If we are going to complete action on two additional bills, Labor-HHS and State-Justice-Commerce, and this is our third day on this bill, I do not know how we can do two others in 2 days. So if anybody knows, when might we complete action on this bill? Plus we will recess the Senate so we will be able to have meetings of the Finance Committee, so we probably will not do anything after this bill the rest of the day.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. If I might respond, we have been working out a number of these amendments. I think we are very close to agreement on a number of them. Some of them clearly are going to require votes. We are ready to line up two, one with an hour time agreement, one with a 45-minute time agreement. Then I cannot say on this side that there are any more of our amendments that should require a vote. I think they can be accepted or would be included in a—excuse me, there is one Senator CHAFEE is going to offer, proposes to offer about the brown fields.

I hope that will be agreed upon. That might require a vote. It should be a short time limit. I would be interested on the minority side in what my colleague sees as the opportunities there.

Ms. MIKULSKI. Mr. President, responding to the Republican leader's desire to move this bill, we have our next two amendments lined up, the Lautenberg amendment and the Feingold amendment. When we asked for the time agreement, that is maximum. Both men are here to offer their amendments.

We intend to move very expeditiously. I recommend that after those two amendments, those votes be stacked. I truly believe we can do a lot of clear out and clean up. I am anticipating that either amendments will be worked out or that they will be withdrawn so they could be offered on other bills. I cannot guarantee that. We are working down our list, as well.

So my recommendation is Lautenberg, Feingold, stacked votes; see kind of where we are, and then we will move right along.

Mr. DOLE. We have one other amendment, the Simon-Moseley-Braun amendment. Is that being worked out?

Mr. BOND. Mr. President, I think we are working out an agreement that that one can be accepted. That is on the transfer of fair housing. I think so long as we can guarantee that the transfer will occur—we do not want to disrupt operations. Our staff is working on it, and I hope we are close to agreement on it. I think we share the same goals. I just want to make sure that the language in the amendment gets us there.

Mr. DOLE. So just let us see—11, 12, 1. Maybe we can complete action on this bill by 2 p.m.?

Ms. MIKULSKI. I think the prickly point here is what Senator BUMPERS chooses to do on the NASA-Russian reactor sale. I think that is a prickly pear.

Mr. DOLE. That could take some time, then.

Ms. MIKULSKI. I think we need to confer with Senator BUMPERS as to what his disposition is. We will do this during the debate, Mr. Leader.

Mr. DOLE. I am still trying to work it out; it may not be able to happen. But if we could do all these appropriations bills and the CR, then we would not be in session next week. But we also have to complete action in the different committees on reconciliation this week. And I understand there has been an objection to the Finance Committee meeting. The Democratic leader has already indicated this to me. I will make the request, so whoever wishes to object can object at this time, because it is very important that that committee meet. And if we have an objection, then when we finish this bill, the Senate will be in recess. Then we will meet until we complete action on that, and then come back to the additional appropriations bills. If we do not finish them this week, we will finish them next week.

#### OBJECTION TO PERMISSION FOR FINANCE COMMITTEE TO MEET

Mr. DOLE. Mr. President, I understand the objector is on the floor. I ask consent that the Committee on Finance be permitted to meet Wednesday, September 27, 1995, to conduct the markup of spending recommendations for the budget reconciliation legislation.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. I have consulted with a number of my colleagues, some of whom are on the floor, and there is a concern on this side that we have not had an opportunity to have some hearings and discuss this matter in greater detail. The hope was that over the course of whatever period of time we will have more of an opportunity to look at it. As a result of that concern, then we will object at this time.

Mr. DOLE. Mr. President, I do understand that the Democratic leader has consented to six other committees to meet during today's session of the Senate.

I have six unanimous-consent requests for committees to meet during today's session of the Senate. They all have the approval of the Democratic leader.

I ask unanimous consent that these requests be agreed to en bloc, and that each request be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to that request?

Mr. DOLE. That does not include Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the requests is printed in today's RECORD under "Authority for Committees to Meet.")

Mr. DOLE. I thank my colleagues and the managers.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG].

Mr. WELLSTONE. I wonder if my colleague will yield for a moment? Since I was a part of this objection with the minority leader, I wanted to take 2 minutes, if that would be all right.

Mr. LAUTENBERG. Yes.

Mr. WELLSTONE. Mr. President, the minority leader and I have issued an objection to the Finance Committee meeting. The reason for that, Mr. President, is that I just think that what is going on right now here is a rush to foolishness.

Mr. President, in my State of Minnesota, we just found out a few days ago that as opposed to \$2.5 billion in Medicaid cuts, we were going to be seeing \$3.5 billion in Medicaid cuts. It was just yesterday that we finally got the specifics of what is going to happen in Medicare. And I just will tell you, Mr. President, that I am pleased to be a part of this with the minority leader because when I was home in Minnesota, I found that it is not that people are opposed to change, but people have this sense that there is this fast track to recklessness here, that we are not carefully evaluating what the impact is going to be on people.

What people in Minnesota are saying is, what is the rush? You all do the work you are supposed to do. How can a Finance Committee today go ahead without any public hearings on these filed proposals, pass it out of the Finance Committee, and then put it into a reconciliation process where we have limited debate?

Mr. President, it seems to me that there is no more precious commodity than health care and the health care of the people we represent. This objection, with the minority leader, is an objection to a process. And this process right now I think is really way off course.

We have no business—the Finance Committee should not pass out pro-

posals without any public hearing, without having experts come in. We have not done that at all. We should not be doing that. Mr. President, this is supposed to be a deliberative body and it is supposed to be a representative democracy. We are supposed to be careful about the impact of what we do on the lives of people we represent. I would just say that I am very proud to be a part of this objection because somebody, somewhere, sometime has to say to people in the country that these changes are getting ramrodded through the Senate. That is what is going on here. The proposal came out yesterday, I say to my colleague from Maryland.

I will tell you, as you look at these specific proposals, I can tell you as a Senator from Minnesota that I know there is going to be a lot of pain in my State. I believe, Mr. President, that the Finance Committee needs to have the public hearing and I believe that Senators need to be back in their States now that we have specific proposals, and we need to be talking to the people who are affected by this.

Let us not be afraid of the people we represent. Let us let the people in the country take a look at what we are doing. What this effort is, is an effort to say "no" to this rush to recklessness, "no" to this fast track to foolishness. The committee ought to have a public hearing. I think it is unacceptable.

Mr. BOND. Mr. President, I object.

Mr. WELLSTONE. Do I have the floor?

Mr. BOND. The Senator from New Jersey—

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. WELLSTONE. I will say to my colleague from New Jersey, may I have 1 more minute?

The PRESIDING OFFICER. The Senator from Minnesota no longer has the floor. The Senator only yielded for a question.

The Senator from New Jersey.

Mr. LAUTENBERG. I thought the time the Senator asked for would be considerably shorter, and I ask that we have a chance to move.

Mr. WELLSTONE. May I have 30 seconds?

Mr. BOND. Mr. President, I object.

Mr. WELLSTONE. Enough has been said. People have heard it.

#### DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. BOND. Mr. President, it is important that we move forward on this bill. We have reached an agreement I believe on both sides.

I ask unanimous consent that the Senator from New Jersey be recognized to introduce an amendment on the

EPA funding, that there be 1 hour divided in the usual manner and in the usual form, that at the conclusion of that 1 hour the amendment be set aside, and that the Senator from Wisconsin, Senator FEINGOLD, be recognized to introduce an amendment on insurance redlining, that there be 45 minutes divided in the usual form and under the usual procedures, and at the end of that debate that a vote occur on or in relation to the Lautenberg amendment and that no second-degree amendments be permitted, and that the following amendment, the vote on the Feingold amendment, be 10 minutes in length and no second-degree amendments be permitted, but that the vote occur on or in relation to the Feingold amendment.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object.

The PRESIDING OFFICER. There is no reserving the right to object.

Mr. FEINGOLD. Mr. President, I object.

I simply want to clarify a point with the manager.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. There was objection. Has the Senator objected?

Mr. FEINGOLD. I simply wanted to ask clarification with regard to the unanimous-consent request. I was only attempting to make sure that I can make that clarification before the unanimous-consent agreement is entered into.

I ask unanimous consent to ask a question of the manager with regard to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Chair. Under our time agreement, our time is 45 minutes. My understanding is we would have 30 minutes on our side. Is that inconsistent with the Senator's understanding?

Mr. BOND. I ask there be an hour equally divided.

Mr. FEINGOLD. That will be fine. I thank the manager.

The PRESIDING OFFICER. Is there objection to the request as so modified? Without objection, it is so ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

#### PRIVILEGE OF THE FLOOR

Mr. LAUTENBERG. Mr. President, first, I ask unanimous consent that a detailee in my office, Lisa Haage, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2788

(Purpose: To increase funding for Superfund, the Office of Environmental Quality, and State revolving funds and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes less than \$100,000)

Mr. LAUTENBERG. Mr. President, on behalf of myself, Senators MIKULSKI, DASCHLE, BAUCUS, KERRY, BIDEN,